

REMARKS/ARGUMENTS

Applicants' attorney Liza D. Hohenschutz would like to thank Examiners Michael Hartley and Simon Oh for the very courteous and helpful interview of the application at the Patent and Trademark Office on December 14, 2005. The inventor Mr. Michel Crepeau was also present at the interview. During the interview the rejection of claims 10-25 under 35 USC 103 as obvious in view of the combined teachings of U.S. Patent 3,932,634 (Kardys) and U.S. Patent 3,392,634 (Tipton et al) was discussed. Proposed amendments to the range of the amount of the vitamin component beyond that disclosed in the Kardys reference were discussed, as well as amendments to narrow the range of the alkyl lactate components. The Examiners indicated that the proposed amendments would place the claims in better condition for allowance, pending further search and consideration.

Claims 10-25 have been canceled without prejudice. New claims 26-51 have been added. New claims 26-51 are directed to methods for preparing a water dispersible-liquid vitamin food additive for animals and methods for dispersing a water-dispersible liquid vitamin food additive for animals. Independent claims 26 and 47 state that from 61% to 90% by weight of the vitamin component is added. New claims 39-46, which depend from claim 26, are directed to additional ranges and amounts of the vitamin component added in the methods of claims 26 and 47. Support for new claims 26-51 can be found throughout the specification and in particular at page 1 and Table 1 of the specification. No new matter has been added.

In the Office Action mailed January 26, 2005 the Examiner maintained the rejection of claims 10-25 under 35 USC 103(a) as being unpatentable over Kardys in view of Tipton et al.

As discussed in Applicant's response filed July 25, 2005, U.S. Patent 3,932,634 (Kardys) teaches a vitamin composition for ingestion which consists essentially of 25% to 55% by weight of an oil-soluble vitamin selected from the group consisting of vitamin A, vitamin D₂, vitamin D₃, vitamin E or combinations thereof, in water together with a specific dispersing agent which makes up about 35% to about 85% of the total

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composition. The Kardys patent does not teach or suggest the use of the use of an alkyl lactate in the preparation a vitamin composition, much less the preparation a water-dispersible liquid vitamin food additive for animals. Additionally, Kardys does not suggest the use of precursors of vitamins E and D3 as recited in the claimed methods.

U.S. Patent 3,392,634 (Tipton *et al.*) discloses compositions that form highly viscous depots when administered and are useful for the controlled release of substances. The compositions in Tipton *et al.* comprise a non-polymeric, non-water soluble high-viscosity liquid carrier material of viscosity of at least 5,000 cP at 37°C that does not crystallize neat under ambient or physiological conditions and a substance to be delivered. Column 5, lines 50-57 of Tipton *et al.* disclose mixing the high viscosity liquid carrier material with a viscosity lowering water soluble or water miscible solvent to form a lower viscosity liquid carrier material and then mixing the lower viscosity liquid carrier material with a substrate for controlled delivery. Column 10, lines 15-16 recite examples of suitable solvents, including ethyl lactate. The solvent is not used to dissolve the active substance.

Applicant maintains that the claimed invention is not obvious over the combined teachings of Kardys and Tipton *et al.* for the reasons discussed in the Applicant's response filed July 25, 2005. Additionally, the methods of new claims 26-51 result in a higher amount of vitamins (from 61% to 90% by weight) in the food additive compared to the 25-55% by weight taught by Kardys.

In view of the above, the present application is believed to be in a condition ready for allowance. Reconsideration of the application is respectfully requested and an early Notice of Allowance is earnestly solicited.

Respectfully submitted,

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